

Fulbright & Jaworski I.L.P.

A Registered Limited Liability Partnership
865 South Figueroa Street, 29th Floor
Los Angeles, California 90017
www.fulbright.com

MEMORANDUM

TO: Regional Council and Administrative Committee
FROM: Colin Lennard, General Counsel
CC: Mark Pisano, Executive Director
Karen Tachiki, Chief Counsel
DATE: January 12, 2005
RE: New SCAG Policy Re: Closed Sessions by Member Agencies (Cities and Counties)

DISCUSSION:

On September 24, 2004 the Governor approved AB 2782 amending the "Brown Act" to permit a Joint Powers Agency (JPA) (such as SCAG), to adopt a policy enabling member agencies of the JPA to conduct closed sessions to discuss matters discussed in closed session by the JPA, if such matters have direct financial or liability implications for the member agency. AB 2782 also permits a "designated alternate" of a local member agency of the JPA to attend closed sessions of the JPA.

The City of Indian Wells has requested SCAG to adopt a policy as provided for under AB 2782, which as pointed out by the City, "is a reasonable means by which agencies who are members of Joint Powers Authorities may be informed by their JPA representative of matters having direct financial or liability implications for the member agency."

Attached for your review and approval is a proposed policy reflecting the authority granted to SCAG under AB 2782.

RECOMMENDATION:

That the Administrative Committee and the Regional Council approve the adoption of the proposed policy.

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SCAG POLICY RE: CLOSED SESSIONS AND MEMBER AGENCIES

In accordance with §54956.96 of the California Government Code, SCAG hereby adopts a policy enabling Member Cities and Counties of SCAG the authority to conduct closed sessions of their respective legislative bodies to receive, discuss, and take action concerning information obtained in a closed session of the Regional Council of SCAG, if that information has direct financial or liability implications for that City or County Member of SCAG.

Notwithstanding anything to the contrary, all information received by the City or County Member of SCAG in a closed session related to information presented to SCAG in a closed session, shall be confidential. However, a member of a City Council or Board of Supervisors who are members of SCAG may disclose information that has a direct financial or liability implications for that Member City or County to the following individuals: (1) legal counsel for the City or County Member of SCAG; and (2) other members of the legislative body of the City or County Member of SCAG, all in accordance with the provisions of §54956.96(a)(1)(A) and (B).

In addition, any designated City or County alternate who is attending a properly noticed meeting of SCAG in lieu of the City's or County's regularly appointed member to the Regional Council may attend closed sessions of SCAG.